

### REMARKS

This Amendment is submitted in response to the Office Action dated September 19, 2005, having a shortened statutory period set to expire December 19, 2005. Proposed amendments are submitted for Claims 1, 9 and 10, and new Claims 12-17 are added. Upon entry of the proposed amendments, Claims 1-6, 9-10 and 12-17 will be pending.

Applicants appreciate the time and courtesy extended by the Examiner during a November 29, 2005 teleconference. No formal agreement was reached during this call regarding allowance of the pending claims.

### DOUBLE PATENTING REJECTIONS

In paragraph 1 of the present Office Action, Claims 1-2 and 9-10 are rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-2, 6 and 13 of co-pending U.S. Patent Application No. 10/689,263 (now issued U.S. Patent No. 6,943,974). A Terminal Disclaimer is herewith submitted to overcome this rejection.

Note further that the amendments to Claims 1 and 9 reflect the exact features of allowed Claim 1 from U.S. Patent No. 6,943,974, plus the originally claimed feature in the present application of "storing additional data to be recorded on said recording medium in association with said file data to be written, said file data being unincorporated with said additional data."

### REJECTIONS UNDER 35 U.S.C. SECTION 103

In paragraph 5 of the present Office Action, Claims 1-6 and 9-10 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lounsbury et al. (U.S. Patent No. 4,637,023 – "*Lounsbury*") in view of Joeressen et al. (U.S. Patent No. 6,212,660 – "*Joeressen*"). Applicants respectfully traverse these rejections in light of the proposed amendments.

*Lounsbury* teaches a system for storing data in blocks on a recording medium.

*Joeressen* teaches the use of Cyclic Redundancy Check (CRC) error correction, but does not teach or suggest the storage and use of "an electronic watermarking data" as presently claimed.

Regarding exemplary Claim 1, the art cited in the current rejections does not teach or suggest "defining a block gap on said recording medium, said block gap having a length determined by said error information about said write error," or "determining a recording position on said recording medium for a subsequent write that is said block gap away from a last error free write operation" as supported in the present specification at, *inter alia*, paragraph [0044].

With regards to exemplary Claim 10, the cited art does not teach or suggest "storing additional data to be recorded on said recording medium in association with primary data to be written to a storage device, wherein said additional data is an electronic watermarking data that includes a device identification number for said storage device on which said primary data is written," as supported in the present specification at, *inter alia*, paragraph [0023].

With regards to exemplary Claim 12, the cited art does not teach or suggest electronic watermarking data that comprises "a date and time of a writing of said primary data into said storage device; an identification information for said primary data; and a password for releasing a read restriction on said primary data," as supported in the present specification at, *inter alia*, paragraph [0023].

With regards to new Claim 13, the cited prior art does not teach or suggest electronic watermarking data that comprises "information indicating how many times said primary data has been copied in the past," as supported in the present specification at, *inter alia*, paragraph [0056].

With regards to new Claim 14, the cited prior art does not teach or suggest the steps of: "storing said electronic watermarking data in an additional data storing memory in said storage device; comparing said electronic watermarking data stored in said storage device with said electronic watermarking data recorded on said recording medium; and inhibiting a reading of said primary data if said electronic watermarking data stored in said storage device does not match said electronic watermarking data recorded on said recording medium," as supported in the present specification at, *inter alia*, paragraph [0027] and Figure 2.

With regards to new Claim 15, the cited art does not teach or suggest a method comprising: "dividing data to be written to a recording medium into multiple blocks" (supported at paragraph [0024]); "determining specified recording positions on the recording medium where respective blocks of data, from the multiple blocks, are to be written" (supported at paragraph [0024]); "writing said respective blocks of data to the specified recording positions" (supported at paragraph [0024]); and "embedding an electronic watermark data in the recording medium, wherein, if said data is copied onto another medium, said electronic watermark data is lost on the another medium, wherein the another medium is determined to contain an illegal copy of the data" (supported at paragraph [0030]).

With regards to new Claim 16, the cited prior art does not teach or suggest electronic watermarking data that comprises: "a date and time of a writing of said primary data into said storage device; an identification information for said primary data; and a password for releasing a read restriction on said primary data" (supported at paragraph [0023]).

With regards to new Claim 17, the cited prior art does not teach or suggest electronic watermarking data that comprises "information indicating how many times said primary data has been copied in the past," as supported at paragraph [0056].


**CONCLUSION**

As the cited prior art does not teach or suggest all of the limitations of the pending claims, Applicants now respectfully request a Notice of Allowance for all pending claims.

Please charge a Terminal Disclaimer fee of \$130.00 to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0449**.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0449**.

Respectfully submitted,



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